

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
December 9, 2008

PRESENT: Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS: Mayor Peter Kelly
Councillor Sue Uteck

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

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1. **INVOCATION**

The Deputy Mayor called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Nicoll.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane indicated that the launch for the Halifax Public Gardens book would be taking place at the Lord Nelson Hotel on December 11, 2008 from 5:00 p.m. to 7:00 p.m. She advised that the book cost \$20. Councillor Sloane also indicated that Jeremy Webb's one man production of A Christmas Carol was running at the Neptune Theatre until Christmas and that there was also a Scrooge for Schools program.

Councillor Blumenthal thanked the residents and members of Council who visited the Memorial Bells to pray for all those who died during the Halifax Explosion and to celebrate the North End.

Councillor Mosher indicated that on December 5, 2008 the test for the youngest 8th degree black belt in Canada, Grand Master Woo Yong Jung, had taken place with success. She thanked Councillors Blumenthal, Adams and Wile as well as HRM Cultural Affairs staff for supporting the event which took place in front of a full audience at the Bella Rose Theatre. She also advised that Grand Master Woo Yong Jung had competed in Winnipeg at the Tae Kwon Doe Commonwealth Games which had taken place 2 weeks prior and that he had won a gold medal. She requested that the Mayor send a letter of congratulations to the Grand Master on behalf of Council.

Councillor McCluskey indicated that the Dartmouth Christmas Tree Lighting at Sullivan's Pond had been a success and thanked Griff and Caroline from Kool Fm and all sponsors, volunteers, HRM staff members and residents who took part in the event.

Councillor Dalrymple indicated that the Beaverbank Lion's Club Parade of Lights would be taking place on December 14, 2008 at 6:00 p.m.

Councillor Harvey congratulated the Sackville Drive Business Association on their successful Christmas Tree Lighting. He also congratulated the Sackville Community band who had a concert on December 5, 2008 with the Dalhousie Medical Faculty Chorale.

Councillor Adams thanked the organizers of the Spryfield Christmas parade which had taken place on November 30, 2008 as well as Councillor Mosher and Mayor Kelly for their

attendance. He congratulated the organizers of the J.L. Ilsley High School scholarship auction. Councillor Adams also expressed his disappointment with the Chronicle Herald for printing an illustration which depicted Spryfield with a pistol through it; noting that he had received many calls from displeased residents and that he had also written a letter to the editor.

Councillor Smith indicated that the Festival of Lights would be taking place at the North Dartmouth Community Centre on December 13, 2008 from 1:00 p.m. to 3:00 p.m. He also advised that the Seniors Christmas Sing Along would be taking place on December 14, 2008 at Carol Hall and that all residents were welcome to attend.

Councillor Hum invited all residents to the ground breaking ceremony at the Mainland Common on December 17, 2008 from 11:00 a.m. to 12:00 p.m.

Deputy Mayor Hendsbee indicated that an event in honour of International Human Rights Day would be taking place on the morning of December 10, 2008 at the Dartmouth Sportsplex.

3. APPROVAL OF MINUTES - November 18 & 25, 2008

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the minutes of November 18 & 25, 2008 be approved as presented. MOTION PUT AND PASSED.

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

- 12.1 HRM Community Engagement Strategy
- 12.2 Property Matter - Lot GP04 Greenpark Close, Clayton Park
- 12.3 Property Matter - Property Acquisition - PID 00624155, Cherry Brook
- 12.4 Property Matter - Acquisition of Lot B3-a (PID 40263915) Cow Bay Road, Cow Bay
- 12.5 Personnel Matter - Councillor Appointments to Boards, Committees & Commissions

Deletion:

Information Item 4 - Memorandum from Director, Community Development dated October 29, 2008 re: Dalhousie University - Wickwire Field

Councillor Wile requested that item 12.2 be dealt with directly before item 10.1 and Council agreed.

MOVED BY Councillor Blumenthal, seconded by Councillor Barkhouse, that the agenda be approved as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE
6. MOTIONS OF RECONSIDERATION - NONE
7. MOTIONS OF RESCISSION - NONE
8. CONSIDERATION OF DEFERRED BUSINESS - NONE
9. CORRESPONDENCE, PETITIONS & DELEGATIONS
- 9.1 Correspondence - None
- 9.2 Petitions
- 9.2.1 Councillor Streach

Councillor Streach provided clarification on the petition that he had submitted at the November 18, 2008 Regional Council Meeting regarding the trail systems in his district. He submitted an e-mail from the Musquodoboit Trailways Association advising that they were not considering the development of a portion of the old railway bed which runs from Highway 257 towards the Chezzetcook area and had no plans to expand in the near future.

12.2 PROPERTY MATTER - Lot GP04 Greenpark Close, Clayton Park

This item had been dealt with at the In Camera meeting held earlier on this date and was before Council for ratification.

MOVED BY Councillor Wile, seconded by Councillor Walker, that Halifax Regional Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement with Clayton Developments Limited for the conveyance of Parcel GP04 to Clayton and an assignable Agreement with Halifax Water for the conveyance of Parcel A/D/E subject to the key business terms and conditions outlined in the report dated December 3, 2008;**
2. **Approve an increase to capital project CQ300748 Washmill Lake Court / 102 Underpass / Regency Park Drive Development as per the budget implications section of the report dated December 3, 2008; and**

3. It is further recommended that the report dated December 3, 2008 not be released until the transaction has closed.

MOTION PUT AND PASSED.

Councillor Wile left the meeting at 6:15 p.m.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Replacement of Transit Vehicles for 2009 / 2010

C A report dated November 27, 2008 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Johns, that Halifax Regional Council:

1. Approve the extension of Tender No. 06-043 to expedite the early replacement of six transit vehicles in the amount of \$2,500,000 from 2009-10 budget year, Capital Account CVD00435.
3. Direct staff to investigate opportunities to expand off peak Metro Transit service utilizing the replacement vehicles and return to Council through the normal 2009-10 budget process for funding approval.

MOTION PUT AND PASSED.

10.1.2 Early Tender of Transit Vehicles

C A report dated November 25, 2008 was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Johns, that Halifax Regional Council:

1. Approve the early tender of 60 foot articulated transit vehicles for the 2010/11, 2011/12 and 2012/13 budget years and;
2. Approve 100 % advanced capital funding for 2010-11 in the amount of \$16,180,000 as per the table contained in the discussion section of the report dated November 25, 2008.

MOTION PUT AND PASSED.

10.1.3 2009 Regional Council Meeting Schedule

C A report dated December 5, 2008 was before Council.

MOVED BY Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Approve the 2009 Regional Council Meeting Schedule as attached.**
- 2. Adopt as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order One, Section 8(2), to state “Council shall meet every Tuesday at the hour of 6:00 p.m., with the exception of vacation periods as determined by Council by resolution, or when deemed appropriate by the Mayor and Chief Administrative Officer jointly, or two-thirds of the Council to convene earlier in the day.**
- 3. Direct staff to investigate and report back on the tools, technology and resources required to provide consistent public access to the proceedings of Council.**

Councillor Walker proposed the following amendment:

**MOVED BY Councillor Walker, seconded by Councillor Hum, that January 6 and September 8 meetings be added to the 2009 Regional Council meeting schedule.
MOTION PUT AND PASSED.**

The motion now reads:

That Halifax Regional Council:

- 1. Approve the 2009 Regional Council Meeting Schedule as attached and including additional meeting dates on January 6 and September 8.**
- 2. Adopt as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order One, Section 8(2), to state “Council shall meet every Tuesday at the hour of 6:00 p.m., with the exception of vacation periods as determined by Council by resolution, or when deemed**

appropriate by the Mayor and Chief Administrative Officer jointly, or two-thirds of the Council to convene earlier in the day.

3. Direct staff to investigate and report back on the tools, technology and resources required to provide consistent public access to the proceedings of Council.

Several Councillors raised concerns over the number of Committee of the Whole sessions that were being scheduled as well as the fact that regular Council meetings were being cancelled only to have a marathon session scheduled on the following week. They advised that it was not productive.

Ms. Geri Kaiser, Deputy Chief Administrative Officer, advised that there would be several additional Committee of the Whole meetings in January and February of 2009 to deal with the Council Focus Areas in the capital budget.

MOTION PUT AND PASSED.

10.1.4 Proposed By-Law S-426, An Amendment to By-Law S-400, Respecting Charges for Street Improvements - New Paving Projects Outside the Core Area - 2007

C A report dated November 18, 2008 was before Council.

MOVED BY Councillor Dalrymple, seconded by Councillor Rankin, that Halifax Regional Council approve in principle By-Law S-426, an amendment to By-Law S-400, Respecting Charges for Street Improvements, New Paving Projects Outside the Core Area, in order to provide the funding necessary to recover HRM's share of the Aid-to-Municipalities Program with the Nova Scotia Department of Transportation and Infrastructure Renewal in the amount of \$600,802.36 (net HST included), and begin the formal process for the adoption of the By-Law. MOTION PUT AND PASSED.

10.1.5 Case 01058 - Amendments to all Land Use By-Laws - Temporary Construction Uses

C A report dated October 18, 2008 was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Younger, that Halifax Regional Council give first reading to consider amendments to all HRM Land Use By-Laws identified in Attachments "A" through "U" regarding temporary construction uses and schedule a Public Hearing for January 13, 2008. MOTION PUT AND PASSED.

10.1.6 Encroachment Agreement - 5786 Southwood Drive, Halifax

C A report dated November 25, 2008 was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Johns, that Halifax Regional Council approve the attached Encroachment Agreement to allow for a masonry wall landscaping enclosure to be located within the HRM right of way adjacent to 5786 Southwood Drive and require that the driveway pillars and sections of fence be removed. MOTION PUT AND PASSED.

10.1.7 Amended Site Plan for Street Closure - Kelly Street, Halifax (Parcels K1 & K2) (Administrative Order SC-52)

C A report dated November 27, 2008 was before Council.

MOVED BY Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council amend Attachment “A” of the previously approved Council Report dated June 24, 2008 of Administrative Order SC-52, to the revised partial survey plan shown herein as Attachment “B”. MOTION PUT AND PASSED.

10.2 NORTH WEST COMMUNITY COUNCIL

10.2.1 Case 00790 - Flag Lot Development, Bedford

C A report dated November 28, 2008 was before Council.

Mr. Andrew Bone, Senior Planner, provided clarification on the staff report and recommendation; advising that there was an existing application underway in Bedford that would impact changes as they relate to flag lots. He stated that staff was looking for direction on whether or not the existing application, Case 1141, could be identified as grandfathered; noting that it otherwise could not be considered without an additional public hearing.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that grandfathering Case 1141 was a legitimate action.

MOVED BY Councillor Outhit, seconded by Councillor Johns, that Halifax Regional Council move First Reading of the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as set out in Attachment “A” of the staff report dated October 24, 2008, with the qualification that Case 1141 be grandfathered and schedule a public hearing for January 13, 2008. MOTION PUT AND PASSED.

10.3 WESTERN REGION COMMUNITY COUNCIL, CHEBUCTO COMMUNITY COUNCIL & REGIONAL PLAN ADVISORY COMMITTEE

10.3.1 Case 01121 - Amendments to the Regional Municipal Planning Strategy, Regional Subdivision By-Law and the Municipal Planning Strategies and Land Use By-Laws for Timberlea / Lakeside / Beechville and Halifax

C A report dated November 25, 2008 was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Walker, that Halifax Regional Council give First Reading to the proposed amendments to the Regional Municipal Planning Strategy and Regional Subdivision By-Law as provided in Attachments “A” and “B” of the report dated October 31, 2008, and schedule a public hearing for January 20, 2008. MOTION PUT AND PASSED.

MOVED BY Councillor Rankin, seconded by Councillor Walker, that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law as provided in Attachment “C” of the report dated October 31, 2008, and schedule a public hearing for January 20, 2008. MOTION PUT AND PASSED.

MOVED BY Councillor Rankin, seconded by Councillor Walker, that Halifax Regional Council give First Reading to the proposed amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-Law as provided in Attachment “D” of the report dated October 31, 2008, and schedule a public hearing for January 20, 2008. MOTION PUT AND PASSED.

10.4 GRANT COMMITTEE

10.4.1 Proposed By-Law T-224, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - Review of Conditional Awards and Records Management

C A report dated July 23, 2008 was before Council.

Councillor Walker advised that a revised report was now before Council.

MOVED BY Councillor Walker, seconded by Councillor Outhit, that Halifax Regional Council approve in principle:

1. The removal of Creighton- Gerrish Development Association, Bayside Baptist Camp Association, and Coastal Communities Economic Development Cooperative as per the timelines set out in the Discussion section of the report dated July 23, 2008;
2. The continuation of the current level of tax exemption for the Neptune Theatre Foundation, Community Care Network, and Nova Scotia Islamic Community Centre.

MOTION PUT AND PASSED.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Mosher - Protection of View Planes - North West Arm

MOVED BY Councillor Mosher, seconded by Councillor Adams, that Halifax Regional Council request that staff undertake a review of the applicable Municipal Planning Strategies for the North West Arm area and develop amendments to protect specific view planes.

Councillor Mosher requested that view planes to be established to reflect the historical nature of the area; particularly around the Armdale Roundabout. She noted that Councillors Walker and Watts would also like to be involved in any meetings regarding this issue.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Karsten

MOVED BY Councillor Karsten, seconded by Councillor McCluskey, to amend Administrative Order 1 section 15 (1): When a vote is taken orally, or by show of hands the presiding officer shall indicate the results by announcing the number for or against.

A recorded vote was taken on the motion.

MOTION DEFEATED with 10 voting in favour and 11 voting against.

Those voting in favour were Deputy Mayor Hendsbee and Councillors Dalrymple, Nicoll, McCluskey, Younger, Karsten, Barkhouse, Smith, Sloane, Watts.

Those voting against were Councillors Streach, Blumenthal, Walker, Hum, Mosher, Adams, Johns, Harvey, Outhit, Rankin and Lund.

Mayor Kelly and Councillors Wile and Uteck were not present for the vote.

11.2 Councillor Sloane

Councillor Sloane advised that a report had been presented to Council on June 5, 2006 regarding ideas for other options for the election of Deputy Mayor. She stated that it would be good way to create more public engagement by allowing residents to elect the Deputy Mayor.

MOVED BY Councillor Sloane, seconded by Councillor Smith, that Halifax Regional Council request that staff investigate other options for the selection of Deputy Mayor including electronic and telephone voting for residents during the next municipal election.

A recorded vote was taken on the motion.

MOTION DEFEATED with 3 voting in favour and 18 voting against.

Those voting in favour were Deputy Mayor Hendsbee and Councillors Smith and Sloane.

Those voting against were Councillors Streach, Dalrymple, Nicoll, McCluskey, Younger, Karsten, Barkhouse, Blumenthal, Watts, Walker, Hum, Mosher, Adams, Johns, Harvey, Outhit, Rankin and Lund.

Mayor Kelly and Councillors Wile and Uteck were not present for the vote.

12. ADDED ITEMS

12.1 HRM COMMUNITY ENGAGEMENT STRATEGY

This item had been dealt with at the Committee of the Whole meeting held on November 25, 2008 and was before Council for ratification.

MOVED BY Councillor Sloane, seconded by Councillor Outhit, that Halifax Regional Council adopt the Draft Community Engagement Strategy in Appendix One of the staff report dated September 24, 2008.

A recorded vote was taken on the motion.

MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Kelly and Councillors Wile, Uteck and Harvey were not present for the vote.

12.2 PROPERTY MATTER - Lot GP04 Greenpark Close, Clayton Park

This item was dealt with earlier in the meeting. Please see page 5.

12.3 PROPERTY MATTER - Property Acquisition - PID 00624155, Cherry Brook

This item had been dealt with at the In Camera meeting held earlier on this date and was before Council for ratification.

MOVED BY Councillor Nicoll, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and sale for the acquisition of PID #00624155, 266 Cherry Brook Road, Cherry Brook as per the terms outlined in the report dated December 3, 2008.**
- 2. Approve the withdrawal of \$199,774.07 from the Parkland Reserve Q107, to fund Capital Account CPX01149 Parkland Acquisition.**
- 3. Increase Capital Account CPX1149 Parkland Acquisition by \$199,774.07 to be dedicated to acquire PID #00624155, located at 266 Cherry Brook Road in Cherry Brook Community.**
- 4. The report dated December 3, 2008 not be released until the transaction is complete.**

A recorded vote was taken on the motion.

MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Kelly and Councillors Wile, Uteck and Mosher were not present for the vote.

12.4 PROPERTY MATTER - Acquisition of Lot B3-A (PID 40263915) Cow Bay Road, Cow Bay

This item had been dealt with at the In Camera meeting held earlier on this date and was before Council for ratification.

MOVED BY Councillor Barkhouse, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Approve the Acquisition of Lot B3-A (PID #40263915), Cow Bay Road, Cow Bay, NS as per the terms and conditions of the report dated October 6, 2008;**
- 2. Approve the withdrawal of \$211,283.00 form Q107 Parkland Reserve;**
- 3. Increase the budget of Capital Account CPX01149, Park Land Acquisition in the amount of \$211,283.00;**
- 4. That there be an agreement between the surfing community, HRM and advocates, as to the level of their participation before executing agreement of Purchase and sale; and**
- 5. Not release the report dated October 6, 2008 until the transaction is complete.**

MOTION PUT AND PASSED.

12.5 PERSONNEL MATTER - Councillor Appointments to Boards, Committees & Commissions

This item had been dealt with at the In Camera meeting held earlier on this date and was before Council for ratification.

MOVED BY Councillor McCluskey, seconded by Councillor Blumenthal, that Halifax Regional Council approve the Councillor appointments to the UNSM Board and the HRM Tax Reform Committee as outlined in Attachment 1 of the staff report dated December 3, 2008. MOTION PUT AND PASSED.

Deputy Mayor Hendsbee clarified for the record that Committee of the Whole would be starting at 1:00 p.m. on December 16, 2008.

MOVED BY Councillor Walker, seconded by Councillor Rankin, that a Regional Council meeting be held on December 16, 2008 pending the Chief Administrative Officer and Mayor's final decision. MOTION PUT AND PASSED

13. NOTICES OF MOTION

13.1 Councillor Dalrymple

Councillor Dalrymple gave notice that at the next regular Regional Council meeting, to be held on Tuesday, January 13, 2009, he proposes to move First Reading of By-Law S-426, Respecting Charges for Street Improvements, the purpose of which is to amend By-Law S-400, The Street Improvement By-Law.

13.2 Councillor Walker

Councillor Walker gave notice that at the next regular Regional Council meeting, to be held on Tuesday, December 16, 2008, he proposes to move First Reading of By-Law T-224, an amendment to By-Law T-200 Respecting Tax Exemption for Non-Profit Organizations, the purpose of which is to amend By-Law T-200 regarding renewal or removal from the By-Law.

14. ADJOURNMENT

The meeting was adjourned at 8:39 p.m.

Julia Horncastle
Acting Municipal Clerk

The following were distributed as Information Items:

1. Proclamation - MADD's Project Red Ribbon Campaign - December 3, 2008
2. Memorandum from Director, Transportation & Public Works dated November 28, 2008 re: HRM Enhanced Maintenance Service Delivery Update - Capital District
3. Memorandum from Director, Transportation & Public Works dated December 2, 2008
re: Snow Service Standards & Earlier Retainers
4. Memorandum from Director, Community Development dated November 19, 2008
re: Fall River Commercial Development
5. Memorandum from Director, Community Development dated November 26, 2008
re: Review of Undeveloped Industrial Lands Surrounding Drysdale Bog, Goodwood
(Case 01213)
6. Memorandum from Director, Community Development dated December 1, 2008
re: Planning Application Processing Times

7. Memorandum from Director, Legal Services & Risk Management dated December 3, 2008 re: Legislation at the Fall 2008 Session of the House of Assembly
8. Memorandum from Director, Legal Services & Risk Management dated December 2, 2008 re: Status of By-Law Prosecutions - July 1 - 31, 2008
9. Memorandum from Chief Administrative Officer dated December 9, 2008 re: Fire Services Recruitment (To be circulated)
10. Memorandum from the Acting Municipal Clerk dated December 5, 2008 re: Requests for Presentation to Council - Fiona Traynor representing Ad-Hoc Community Group re: Closure of Pendleton Place Winter Shelter